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C O N F I D E N T I A L SECTION 01 OF 03 SUVA 000046

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TAGS: [PREL](#) [MARR](#) [PHUM](#) [PINR](#) [ASEC](#) [FJ](#) [NZ](#)
SUBJECT: FIJI UPDATE 1/22/07: PRESIDENT ISSUES IMMUNITY
DECREE; DUST-UP WITH NEW ZEALAND; CEO TERMINATIONS; ALLEGED
PLOTS AGAINST INTERIM GOVERNMENT; QARASE SEEKS CONTINUED
USG SANCTIONS

REF: SUVA 43

Classified By: Ambassador Dinger, per 1.5 (B) and (D).

Summary

¶1. (C) President Iloilo has issued a broad immunity decree for the military and others involved in the coup. The Fiji Law Society and others say the decree is unconstitutional. Bainimarama has reacted angrily to Aussie and Kiwi visa restrictions on members of his government and is threatening "retaliation." Bainimarama has announced a "concerted effort" to protect human rights. Navy Commander Kean is charged with murder and is jailed pending trial. All 23 CEOs were terminated as part of a restructuring of the civil service. Four, including Commander Bainimarama's brother, have been re-hired as "advisors." We continue to hear reports of unrest bubbling beneath the surface, including an ethnic-Fijian plot against the interim government. Chief Justice Fatiaki sees the state of play in the judiciary as "surreal." Deposed PM Qarase phoned to thank the USG for continuing to support democracy. He urged international sanctions to continue. End summary.

Broad Immunity Decree Issued

¶2. (SBU) Attorney General Khaiyum announced on January 19 that President Iloilo has granted all military personnel, all members of the police force and prison service, and all other persons acting under their orders "full and unconditional immunity from all criminal or civil or legal or military disciplinary or professional proceedings or consequences." The immunity reportedly covers acts committed prior to the December 5 coup and until January 5, 2007, when Bainimarama transferred "executive authority" back to Iloilo. The Fiji Law Society and some NGOs said the President has no powers to grant such immunity under the 1997 constitution. We have not yet seen the actual decree, which apparently will be gazetted tomorrow but dated January 18.

Dust-Up With New Zealand Over Visa Ban

¶3. (U) Bainimarama issued an angry statement January 19 in response to New Zealand's decision to ban the new CEO in the Prime Minister's Office, Parmesh Chand, from traveling to New Zealand to visit his family. Bainimarama said, "My government announces that should Australia and New Zealand continue to frustrate this administration, Fiji will consider retaliatory measures." He specifically referred to Australian and New Zealand exports to Fiji and to work

permits for expats from those countries. NZ Foreign Minister Winston Peters called Bainimarama's statement "stupid." NZ Prime Minister Clark reiterated that New Zealand will only review travel sanctions imposed on members of the interim administration and their families after Fiji has made adequate moves to restore a democratically elected government.

14. (U) On Jan. 22, Bainimarama responded by appealing for Australia and New Zealand not to be "big bullies." He argued that senior civil servants, mere administrators, should not be penalized for helping to steer the nation forward. He said Fiji will try diplomacy. The interim Minister of Foreign Affairs will call in the New Zealand High Commissioner to brief him on progress taking place "on almost all fronts." But Bainimarama said he "will tolerate no one who frustrates our effort." If diplomacy doesn't work, there will be "no option but retaliatory measures." He said Fiji continues to have good relations with Pacific and several Asian countries.

"Concerted effort" on human-rights front

15. (C) Bainimarama announced to the media today a "concerted effort" by the interim government to ensure protection of human rights. He said questioning of people at the military camp has always been a last resort. (Comment: That has certainly not been the case.) Bainimarama said he will invite all the NGOs to attend the cabinet meeting next Tuesday to brief on the way forward and to reiterate the interim government's human-rights emphasis.

Navy Commander Charged With Murder

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16. (SBU) Commander of the Navy Francis Kean, Bainimarama's brother-in-law, was charged with murder January 19, in connection with the death December 30 of John Whippy at the Suva Yacht Club. The incident followed the wedding reception of Bainimarama's daughter. Kean's lawyer requested that Kean be placed in the custody of the military, stating that Kean's life might be in danger if he was jailed at Korovou prison, where several soldiers involved in the 2000 mutiny are reportedly imprisoned. The judge did not buy that argument, reportedly stating, "Since when did the military become a remand center?" He ordered Kean jailed until his hearing February 2. Lt. Commander James Fisher will reportedly be acting Naval Commander in Kean's absence. The previous Deputy Naval Commander resigned his commission over the coup.

CEO's Terminated - Welcome to Reapply for PermSec Jobs

17. (SBU) All CEOs received termination letters January 19 as part of a restructuring wherein the CEO system implemented by the SDL government will be replaced by the earlier system of Permanent Secretaries. Interim Minister for Public Service Poseci Bune said the 16 new Permanent Secretary positions (there were 23 CEOs) would be advertised by next week and that the CEOs are welcome to apply. Four CEOs have reportedly already been re-employed under the title of "advisor." They include Parmesh Chand in the PM's office, Acting CEO of Finance Aisake Taito, Ministry of Education CEO Alumita Taganesia and the CEO for Fijian Affairs, Ratu Meli Bainimarama, the Commodore's older brother.

18. (C) One now-terminated CEO told us over the weekend that the CEO contract system implemented by the Qarase government had not worked well. It was far too inflexible to respond adequately to major shifts in ministerial numbers and portfolios, as happened after the May 2006 elections. The former CEO, who may reapply for her old position, this time as Permanent Secretary, asked the Ambassador if the U.S. will be paralleling Australia and New Zealand by imposing visa sanctions on senior civil servants who take important roles that support the interim government (septel).

Head of New Anti-Corruption Commission

¶9. (C) Contacts tell us that the head of the interim government's new anti-corruption commission, Sakove Naqiulevu, had a less than stellar tenure as Fiji's Chief Magistrate in the late 1990s. We are told Naqiulevu earned a reputation as being "less than efficient" and was replaced. More recently he has been a Justice in the Solomon Islands court system.

CJ Fatiaki Speaks

¶10. (C) In an interview in the January 22 Fiji Times, Chief Justice Fatiaki vehemently denied rendering any legal assistance to the interim military regime that was set up after the 2000 coup. The interim-government announcements concerning Fatiaki's suspension as CJ have referred to issues dating back to 2000. Justices Gates and Shameem, who apparently orchestrated Fatiaki's recent suspension, with Gates then becoming Acting CJ, have long alleged in private conversations that Fatiaki demeaned the independence of the judiciary by providing legal advice to Bainimarama and then-President Mara about how to remove PM Chaudhry at a time when Chaudhry was being held incommunicado by the Speight coup participants. In a conversation with the Ambassador last weekend, Fatiaki repeated his flat denial of ever providing such advice to Bainimarama, though he seemingly acknowledged providing advice to President Mara when asked. Fatiaki observed: "What I did then pales in comparison" to the assistance Nazhat Shameem and Anthony Gates have given Bainimarama this time around. Fatiaki described the current situation as "surreal." He expressed frustration at being banned by the PM's office from traveling to conferences abroad.

Plot Against Interim Government?

¶11. (C) A well-placed ethnic-Fijian contact reconfirmed to us that considerable rage is building beneath the surface in the Fijian community. That rage increased with the announcement of Chaudhry's inclusion in the interim cabinet. The coup is not settled, as reflected in the continuation of

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armed military check points in Suva and other strategic locations. (Note: the RFMF announced on Jan. 22 that check points will be removed during the day when school starts tomorrow, though they will be resumed each night. Asked the need, the RFMF spokesman said a "security assessment requires" the check points to continue.) Our Fijian source recently happened into a meeting of well-known senior associates of Qarase where plotting against the interim government was taking place. The source speculated that actions against the military regime may start well away from Suva, where military might is concentrated. A possible venue is Vanua Levu, Fiji's second largest island, and a nationalist stronghold. The source noted that former PM Rabuka, past successful coup plotter, spent several weeks over the holidays at his farm on Vanua Levu.

Qarase Phone Call: Keep Up Sanctions Please

¶12. (SBU) Deposed PM Qarase phoned the Ambassador on Jan. 22 to "offer thanks for your and your government's support for democracy." Qarase inquired about U.S. sanctions and noted that visa sanctions such as Australia and New Zealand have imposed, and the U.S. has signaled, are "good." Such measures increase pressure on Bainimarama and his interim government to return to democracy ASAP. Qarase said he would be phoning Pacific Island Forum (PIF) Secretary General Urwin to urge the PIF to impose travel sanctions, too. Qarase expressed disappointment that Melanesian Spearhead Group Ministers appeared to accept Fiji's interim arrangement at their meeting last week in Honiara.

Qarase Still Intends a Return to Suva

¶13. (SBU) Qarase said very much wants to meet with the PIF's Eminent Persons Group (EPG) next week, either in Suva or, if necessary, in Lau. Qarase said his health is good, and he definitely intends to return to Suva "early" to look for a job or, if nothing is possible, return to Lau to retire. He said an advantage of being in Lau is that he has been able to maintain access to international and local media. While local media seemed to be self-censoring for a while, Qarase has sensed a "more relaxed" atmosphere recently.

Comment

¶14. (C) The ethnic-Fijian plot information appears to be more than rumor, though there are no visible signs of it, other than the military check points which indicate continued Army nervousness. The reported plotters are significant players in the Fijian community who certainly have contacts and funds. Starting activity on Vanua Levu would be logical. The RFMF complement there is rather light, and nationalists from there contributed heavily to Speight's coup in 2000. Still, confronting the well-armed RFMF would be a challenge. Interestingly, Commodore Bainimarama paid an official visit to troops and government officials in Vanua Levu last week.
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